

ENVIRON

December 31, 2002

Mr. Matthew J. Ohl
U.S. EPA – Region 5
77 West Jackson Boulevard, (SR-6J)
Chicago, Illinois 60604-3590

Re: Monthly Progress Report – December 2002
Third Site, Zionsville, Indiana

Dear Mr. Ohl:

This progress report has been prepared by ENVIRON International Corporation (ENVIRON) on behalf of the Third Site Trustees (the “Trustees”) pursuant to the Administrative Order by Consent (the “Order”) for Third Site, located in Zionsville, Indiana (the “site”). The Order applies to a Non-Time Critical Removal Action (NTCRA) for the site and became effective on December 2, 2002. As such, this monthly progress report includes activities conducted at the site between December 2, 2002 and December 31, 2002. To provide a comprehensive summary of each calendar month’s activities, ENVIRON and the Trustees propose to submit each subsequent monthly progress report on or before the 10th day of the subsequent month. Should this schedule be acceptable to USEPA, the progress report on activities conducted during January 2003 will be submitted on or before February 10, 2003.

I. Activities Conducted During Reporting Month

The following activities were conducted during the reporting period:

- Aquifer testing was conducted between December 10, 2002 and December 17, 2002 pursuant to the USEPA-approved October 7, 2002 *Pre-Design Field Activities (PDFA) Work Plan*.
- ENVIRON compiled pre-design soil, membrane interface probe (MIP) and aquifer testing data collected between October and December 2002 in accordance with the *PDFA Work Plan*.
- On December 13, 2002, the Trustees submitted to USEPA the name of the designated Project Coordinator (Ronald E. Hutchens of ENVIRON); the contractor (ENVIRON); a summary of ENVIRON’s qualifications; and a copy of ENVIRON’s Quality Management Plan (QMP).
- ENVIRON completed the draft *Work Plan for Non-Time Critical Removal Action* and submitted this document to USEPA and the Indiana Department of Environmental Management (IDEM) on December 20, 2002.
- The Trustees undertook discussions with representatives of the Bankert family to secure access to Third Site for the purpose of implementing the Order. The discussions included a lengthy in-person meeting on December 13, 2002 in Zionsville. The Trustees also initiated discussions with owners of other lands adjoining Third Site where response activities will or may take place. Details regarding the Trustees’ efforts to obtain access will be set forth in a separate letter to you as required by Section V, Paragraph 3 of the Order.

II. Difficulties Encountered During Reporting Month

Two unexpected complications in securing site access arose in December. First, legal counsel for the Bankert family advised for the first time that access to Third Site for the purpose of implementing the Order would be conditioned upon a release of claims from the Third Site respondents. There are significant concerns related to any such possible release. Second, legal

counsel for C. Harvey Bradley Jr., owner of lands west of Third Site where access is needed for anticipated groundwater monitoring, stated that the right of access could not be made binding upon Mr. Bradley's heirs and successors, among other conditions. These restrictions may be unworkable given the anticipated long-term nature of groundwater monitoring to be conducted on the Bradley property. Discussions with legal counsel for the Bankerts and Mr. Bradley are continuing. Based on available information, it is not believed that problems encountered thus far will interfere with implementation of environmental response tasks mandated by the Order during the next sixty days. Should delays in obtaining access continue, a *force majeure* situation could arise. Details of the Trustees' efforts to obtain site access will be set forth in a separate letter to you as required by Section V, Paragraph 3 of the Order.

III. Sampling and Testing Results

No sampling or testing results were received during the reporting period.

IV. Activities Scheduled for Next Reporting Month

The following activities are planned for January 2003:

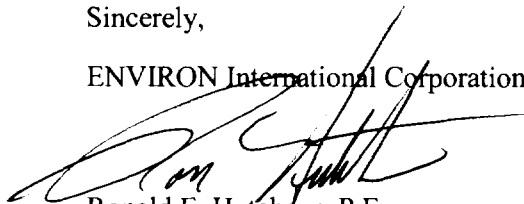
- Preparation and submission of technical memoranda presenting the results of pre-design field activities.
- The incorporation of appropriate revisions to the draft *Work Plan for Non-Time Critical Removal Action* based on comments from USEPA and IDEM, if received during the reporting period.
- Design-related activities.
- Additional negotiations with representatives of the Bankert family and owners of lands adjoining Third Site for the purpose of concluding mutually agreeable site access agreements.

Please confirm that the next monthly progress report will be due on February 10, 2003.

Additionally, if you have any questions concerning this progress report, please do not hesitate to contact us.

Sincerely,

ENVIRON International Corporation



Ronald E. Hutchens, P.E.
Project Coordinator

REH:als

Attachments

cc: Thomas Krueger, Esq. – USEPA Region 5
Michael Habeck – IDEM
Norman W. Bernstein, Esq. – N.W. Bernstein & Associates
Roy O. Ball – ENVIRON International Corporation
Peter M. Racher, Esq. – Plews, Shadley, Racher & Braun